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	OCA 89-3097 <b>CENTRAL INTELLIGENCE AGENCY</b> Office of Congressional Affairs Washington, D.C. 20505 Telephone: <input type="text"/>
	<b>TO:</b> Alan Lopatin Deputy General Counsel Committee on Post Office and Civil Service
1 September 1989	
Alan,	
Enclosed is the material that you requested on the Agency's complaint system. It describes how an employee can file a complaint, the review process, appeals and other actions an employee can take.	
I sent a copy of this to Josh Neiman early in July.	
Hope this is helpful. Let me know if you have any questions.	
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Office of Congressional Affairs	
Enclosure	

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FORM 2-86 **1533** OBSOLETE PREVIOUS EDITIONS.

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10 July 89



OCA 89-2167

**CENTRAL INTELLIGENCE AGENCY**

Office of Congressional Affairs

Washington, D.C. 20505

Telephone:

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**TO:** Joshua Neiman  
Staff Assistant to Subcmte on Civil Service  
House Post Office and Civil Service Cmte.

Dear Joshua,

Enclosed in the material that you requested on the Agency's complaint system. It describes how an employee can file a complaint, the review process, appeals and other actions an employee can take. Hope this is helpful. Let me know if you have any questions.

Office of Congressional Affairs

Enclosure

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FORM 2-86 **1533**

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OCA/Senate,  (10 Jul 89)

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5 July 1989

The Equal Employment Opportunity (EEO) Complaints' System of the  
Central Intelligence Agency

1. To initiate the EEO complaint process, the employee or applicant who believes that he or she has been unlawfully discriminated against on the basis of age, color, handicap, national origin, race, religion, or sex, or in reprisal for prosecuting an EEO complaint, must contact the Agency's Office of Equal Employment Opportunity or a designated directorate EEO counselor within 30 calendar days of the discriminatory act. The EEO counselor will attempt to resolve the complaint informally within 21 calendar days of the initial contact.

2. If the complaint is not resolved within 21 calendar days, the complainant has the right to file a formal, written complaint of discrimination with the Director of Equal Employment Opportunity. The Director may accept or reject the formal complaint, in whole or in part (see 29 C.F.R. § 1613.215).

3. When the Director of EEO has accepted a formal complaint, he will authorize a formal investigation by an investigator of the Office of Inspector General (OIG).

4. After reviewing the investigator's report, and prior to issuing a Proposed Disposition of the complaint, the Director of EEO will offer the complainant the opportunity for an informal adjustment meeting.

5. If the Proposed Disposition does not support a finding of discrimination, the complainant will be offered the opportunity for a hearing by an Administrative Law Judge or a Final Agency Decision without a hearing.

6. If the complainant is not satisfied with the Final Agency Decision, he or she has the right to appeal to the Office of Review and Appeals of the Equal Employment Opportunity Commission within 20 calendar days of the agency decision, or to file a civil action in Federal District Court within 30 calendar days of the agency decision.

7. The complainant has the right to file a civil action in Federal District Court if the agency fails to issue the agency decision within 180 calendar days of filing a complaint with the agency, or if final action is not taken on an appeal to the Office of Review and Appeals within 180 calendar days of filing the appeal.

8. The complainant alleging age discrimination may avoid the administrative process described above by immediately filing a Notice of Intent To Sue and, thereafter, wait 30 calendar days before filing a civil action in Federal District Court.

9. When a complainant becomes involved in a court proceeding or is required to submit an affidavit in connection with litigation, the Agency instructions governing such outside activities will be followed.

10. Any employee or applicant who believes that he or she is being sexually harassed should make it clear to the instigator that the behavior is offensive and, if not stopped, it will be reported to the appropriate supervisor. If the individual is afraid of confronting the instigator, then the complainant may report the harassing behavior to the supervisor or next higher supervisor without first confronting the instigator. The complainant also has the right to use the established Agency EEO complaints' system described above, in addition to, or in lieu of, reporting the harassment to the appropriate supervisor.

11. Employees who engage in an act or acts of unlawful discrimination or sexual harassment will be subject to disciplinary action in accordance with Agency regulations and corrective action under 29 C.F.R. § 1613 Appendix A (2).

12. At any stage of the EEO complaints' process, complainants have the right to be accompanied, represented and advised by a representative of their choice. The representative may be required to sign a nondisclosure agreement. When a complainant elects to have representation, the Office of EEO must be notified.



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
WASHINGTON, D.C. 20506

FILING A DISCRIMINATION COMPLAINT  
If You Are A Federal Government Employee

If you, as an employee of the Federal government or as an applicant for Federal government employment, believe that you have been discriminated against when applying for a job, on your job or in the terms and conditions of your employment, because of your race, color, religion, sex, national origin, mental or physical handicap or because of age, you may file a discrimination complaint against the agency.

Procedures For Processing Your Complaint

- o You should contact the EEO Counselor of the agency where you work or applied for a job within 30 calendar days of the alleged discriminatory action. The counselor will make an informal inquiry into the matter and seek a solution of the matter on an informal basis.
- o You may file a complaint with the Director of EEO (or other appropriate agency official), if informal resolution cannot be effected within 15 calendar days after your final interview with the EEO Counselor or after 21 calendar days from your first contact with the Counselor about the matter, if no informal resolution is effected.
- o The official who received the complaint will advise the EEO director of the agency, who will assign an investigator from a unit of the agency other than that in which your complaint arose.
- o An investigation is conducted. You are given a copy of the investigative file. The EEO officer provides an opportunity for an informal adjustment.
- o If an adjustment is not made, the EEO officer notifies you, by letter, of the proposed disposition of your complaint, advising you of your right to a hearing or to an agency decision without a hearing.
- o If you do not reply within 15 calendar days, the EEO officer may adopt the proposed disposition as the agency decision, providing (s)he has been delegated this authority. Otherwise, your complaint is forwarded to the agency head (or designee) for an agency decision.
- o If you ask for a hearing, the agency requests the Equal Employment Opportunity Commission (EEOC) to assign an EEOC Administrative Judge to conduct a hearing.
- o The hearing is transcribed verbatim. The Administrative Judge makes his/her findings and recommended decision and forwards it and the complaint file to the agency head (or designee).

o The head of the agency (or designee) makes a final agency decision, based on the file, and gives you a copy of the Complaints Examiner's recommended decision and verbatim transcript of the hearing. If the agency rejects or modifies the recommended decision, it must state in its decision its reasons and provide a copy to you.

o You have the right to appeal to the Office of Review and Appeals of the Equal Employment Opportunity Commission within 20 calendar days of the agency decision. If you do not appeal the agency decision, you have the right to file a civil action in Federal District Court within 30 calendar days of the agency decision. \*

o If you appeal to the Office of Review and Appeals, you may file a civil action in Federal District Court if you are not satisfied with the decision in the appeal.

o You may file a civil action in Federal District Court if the agency fails to issue the agency decision within 180 days of filing the complaint or if final action is not taken on an appeal to the Office of Review and Appeals within 180 days of filing the appeal. \*

o If your allegation is that you were discriminated against because of your age, you may avoid the administrative process described above by filing a Notice of Intent to Sue. \*

#### You Should Know

o You have the right to be represented by a person of your own choosing at any stage in the presentation of your complaint, including the counseling stage.

o Charges of violations of the Equal Pay Act (EPA) are not processed as above. All EPA charges must be filed directly with EEOC at any of its district or area offices.

\* In age discrimination cases, you may file an administrative complaint, complete the administrative process, and then file a civil action, or you may choose not to file an administrative complaint and, instead, directly file a civil action, provided that you notify EEOC, in writing, within 180 calendar days of occurrence of the discriminatory act of your intent to file suit and, thereafter, wait 30 calendar days. Regardless of whether you file an administrative complaint or, alternatively, a Notice of Intent to Sue, any civil action must be filed within six years of occurrence of the discriminatory act.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
Office of Program Operations  
Public Sector Programs

October, 1983